



Senate

General Assembly

January Session, 2001

File No. 327

Senate Bill No. 1350

Senate, April 18, 2001

The Committee on Human Services reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING GRANDPARENTS CARING FOR GRANDCHILDREN AND FOSTER CARE SUBSIDIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-126 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) As used in this section, "relative caregiver" means a person who
4 is caring for a child related to such person because the parent of the
5 child has died or become otherwise unable to care for the child for
6 reasons that make reunification with the parent not a viable option
7 within the foreseeable future and "commissioner" means the
8 Commissioner of Children and Families.

9 (b) The Commissioner of Children and Families shall establish a
10 program of subsidized guardianship for the benefit of [children] any
11 child in the care or custody of the commissioner who [are] is living
12 with a relative [caregivers] caregiver and who [have] has been in foster

13 care or certified relative care for not less than [eighteen] twelve months
14 [. The commissioner, within available appropriations, may establish a
15 program of subsidized guardianship for the benefit of children in the
16 care or custody of the commissioner who are living with relative
17 caregivers and who have been in foster care or certified relative care
18 for not less than twelve but not more than eighteen months] or who is
19 living with a relative caregiver who has been appointed guardian or
20 coguardian of the child by any court of competent jurisdiction because
21 the parent of the child has died or is terminally ill and the child is at
22 risk of foster placement and the income of the relative caregiver is less
23 than three hundred per cent of the federal poverty level. A relative
24 caregiver may request a guardianship subsidy from the commissioner.
25 If adoption of the child by the relative caregiver is an option, the
26 commissioner shall counsel the caregiver about the advantages and
27 disadvantages of adoption and subsidized guardianship so that the
28 decision by the relative caregiver to request a subsidized guardianship
29 may be a fully informed one.

30 (c) The subsidized guardianship program shall provide the
31 following subsidies for the benefit of any child in the care of a relative
32 caregiver who has been appointed the guardian or coguardian of the
33 child by any court of competent jurisdiction: (1) A special-need
34 subsidy, which shall be a lump sum payment for one-time expenses
35 resulting from the assumption of care of the child when no other
36 resource is available to pay for such expense; and (2) a medical subsidy
37 comparable to the medical subsidy to children in the subsidized
38 adoption program if the child lacks private health insurance. The
39 subsidized guardianship program shall also provide a monthly
40 subsidy on behalf of the child payable to the relative caregiver that
41 shall be equal to the prevailing foster care rate for children who have
42 been in the care or custody of the commissioner, and for children who
43 are not in the care or custody of the commissioner, a monthly subsidy
44 that shall be equal to the prevailing foster care rate less the amount of
45 any benefits for survivors under the Social Security Act, federal Social

46 Security disability or temporary family assistance that the child is
47 currently receiving. The commissioner may establish an asset test for
48 eligibility under the program that shall apply only to the child's assets.

49 (d) The commissioner shall adopt regulations, in accordance with
50 chapter 54, implementing the subsidized guardianship program
51 established under this section. Such regulations shall require, as a
52 prerequisite to payment of a guardianship subsidy for the benefit of a
53 minor child, that a home study report be filed with the court having
54 jurisdiction of the case of the minor within fifteen days of the request
55 for a subsidy, provided that no such report shall be required to be filed
56 if a report has previously been provided to the court or if the caregiver
57 has been determined to be a certified relative caregiver by the
58 commissioner. The regulations shall also establish a procedure
59 comparable to that for the subsidized adoption program to determine
60 the types and amounts of subsidy to be granted by the commissioner
61 as provided in subsection (c) of this section, for annual review of the
62 subsidy as provided in subsection (e) of this section and for appeal
63 from decisions by the commissioner denying, modifying or
64 terminating such subsidies.

65 (e) The guardianship subsidy provided under this section shall
66 continue until the child reaches the age of eighteen or the age of
67 twenty-one if such child is in full time attendance at a secondary
68 school, technical school or college or is in a state accredited job training
69 program. Annually, the subsidized guardian shall submit to the
70 commissioner a sworn statement that the child is still living with and
71 receiving support from the guardian. The parent of any child receiving
72 assistance through the subsidized guardianship program shall remain
73 liable for the support of the child as required by the general statutes.

74 (f) A guardianship subsidy shall not be included in the calculation
75 of household income in determining eligibility for benefits of the
76 relative caregiver of the subsidized child or other persons living within

77 the household of the relative caregiver.

78 (g) Payments for guardianship subsidies shall be made from
79 moneys available from any source to the commissioner for child
80 welfare purposes. The commissioner shall develop and implement a
81 plan that: (1) Maximizes use of the subsidized guardianship program
82 to decrease the number of children in the legal custody of the
83 Commissioner of Children and Families and to reduce the number of
84 children who would otherwise be placed into foster care when there is
85 a family member willing to provide care; (2) maximizes federal
86 reimbursement for the costs of the subsidized guardianship program,
87 provided whatever federal maximization method is employed shall
88 not result in the relative caregiver of a child being subject to work
89 requirements as a condition of receipt of benefits for the child or the
90 benefits restricted in time or scope other than as specified in subsection
91 (c) of this section; and (3) ensures necessary transfers of funds between
92 agencies and interagency coordination in program implementation.
93 The Commissioner of Children and Families shall seek all federal
94 waivers as are necessary and appropriate to implement this plan.

95 (h) There is established a grandparents-as-parents program within
96 the Department of Social Services to provide support for grandparents
97 who raise a grandchild. The program shall provide a clearinghouse of
98 information regarding services available in the state for relative
99 caregivers. The grandparents-as-parents program shall also provide
100 training on the needs of relative caregivers and available services. The
101 training shall be offered to relevant professionals, including, but not
102 limited to, case workers within the Department of Children and
103 Families and the Department of Social Services and staff of any court
104 of competent jurisdiction.

105 Sec. 2. This act shall take effect July 1, 2001.

HS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Revenue Loss, Savings, Significant Cost, Cost

Affected Agencies: Departments of Children and Families, Social Services

Municipal Impact: None

Explanation**State Impact:**

This bill shortens the time period after which a child is eligible for a subsidized guardianship program operated by the Department of Children and Families (DCF), establishes a similar new benefit for certain children living with relative guardians or co-guardians who have been orphaned or have a terminally ill parent, and establishes a Grandparents-as-Parents program under the Department of Social Services (DSS).

Modify Subsidized Guardianship Program

An estimated 200 – 300 additional children will be deemed eligible for DCF's subsidized guardianship program due to shortening from eighteen to twelve months the length of time that a child must have been in relative foster care prior to being eligible for consideration for a guardianship benefit. Under current law the commissioner may

provide this benefit to those having been in relative care at least twelve months, but this discretionary authority has been relied upon infrequently.

Federal financial participation ceases for Title IV-E eligible foster children when they are accepted into the subsidized guardianship program. This will result in an estimated annual revenue loss of between \$605,000 - \$909,000, based upon an anticipated average benefit of \$8,654 annually and Title IV-E eligibility of seventy percent.

The State would experience savings since children in subsidized guardianship are not counted on DCF's caseload for purposes of determining staffing ratios pursuant to the Juan F. vs. Rowland Consent Decree. On an annualized basis it would be anticipated that savings of between \$500,000 - \$750,000 would result.

A total of 605 children were receiving subsidized guardianship benefits as of March 2001. An estimated additional 50 foster children have a current permanency plan which calls for the transfer of guardianship to their relative foster family.

Establish Subsidy for Selected Children Living with Relative Guardians

The bill extends eligibility for the subsidized guardianship program to a child

- living with a relative guardian or co-guardian because the child's parent has died or is terminally ill,
- who is "at risk of foster placement," and
- the child's relative caregiver's income is below 300 percent of the federal poverty level.

This change extends eligibility for a financial payment (of up to \$8,654

annually, adjusted downward based upon the child's assets and income) to children who are not currently receiving foster care benefits.

It is estimated that 600 - 800 children who experienced the death of a parent would be found eligible. Assuming average offsetting income to the child of \$350 monthly, the annual cost to DCF to support benefit payments would fall between \$2.6 - \$3.6 million. These costs would be supplemented to the extent that subsidies are requested on behalf of children living with relative guardians due to the terminal illness of a parent. The number of such children cannot be determined at this time.

DCF would incur a first year administrative cost of \$110,000 - \$150,000 for staff support and associated other expenses needed to process applications and verify relative caregiver income statements. In subsequent fiscal years this cost would fall to approximately \$41,000, to reflect continuing support of one Processing Technician, as it is assumed that children who are eligible as of July 1, 2001, will be processed in the first year of implementation and only guardians of children entering guardianship placements would seek benefits in future years. It is uncertain in which year program costs would first be experienced as it is assumed that DCF would adopt implementing regulations prior to establishing the new subsidy.

No funding has been included within the Governor's Recommended FY 02-03 Biennial Budget to pay for this new subsidy.

Grandparents-as-Parents

Lastly, the bill requires DSS to institute a Grandparents-as-Parents program. This will result in an FY 02 cost of \$75,000 - \$100,000. No funding has been included within the Governor's Recommended FY 02-03 Biennial Budget to pay for this new program.

OLR Bill Analysis

SB 1350

AN ACT CONCERNING GRANDPARENTS CARING FOR GRANDCHILDREN AND FOSTER CARE SUBSIDIES.**SUMMARY:**

This bill:

1. reduces, from 18 to 12 months, the time a child must have been in Department of Children and Families' (DCF) foster care or certified relative care to qualify for DCF's subsidized guardianship program;
2. eliminates the commissioner's discretion to provide subsidies for those who have been in foster or relative care between 12 and 18 months;
3. allows relative caregivers appointed as guardians or coguardians by either probate or Superior Court to qualify for the same subsidy under certain conditions; and
4. establishes a Grandparents As Parents program within the Department of Social Services (DSS) to provide support and information for grandparents raising grandchildren and training for relevant professionals.

EFFECTIVE DATE: July 1, 2001

SUBSIDY FOR COURT-APPOINTED RELATIVE CAREGIVERS

The bill makes guardians or coguardians ("relative caregivers") appointed by a probate or Superior Court because a child's parent has died or is terminally ill eligible, apparently without a waiting period, for the same subsidies as guardians appointed after caring for children in DCF care or custody, if they and the child meet certain conditions.

To be eligible, (1) the child must be at risk of foster placement and (2)

the relative caregiver's income must be less than 300% of the federal poverty level (FPL). FPL is calculated according to the size of the family unit; for instance 300% of FPL is \$25,770 for a one-person family, \$34,830 for a two-person family, and \$43,890 for a three-person family. (It is not clear whether the subsidized child is counted in the relative caregivers' family size for calculating the FPL.)

Guardians of children who were in DCF care receive the same subsidy as foster parents. The bill requires the subsidy for children who were not in DCF care to equal the prevailing foster care rate minus any Social Security survivor's or disability benefits or temporary family assistance the child receives.

In order to receive the subsidy, these relative caregivers, like those whose children are in DCF's custody, must undergo an initial home study report and an annual review of the subsidy. They must also submit an annual sworn statement to the commissioner that the child is still living with and receiving support from them.

ASSET TEST

Current law allows the DCF commissioner to establish an asset test for subsidized guardianship eligibility. The bill specifies that this test applies only to the child's assets.

BACKGROUND

Subsidy Amounts

Relative caregivers in the DCF program receive the same subsidy as unrelated foster parents, currently about \$657 per month for a child under five years old, \$676 for one between six and 11, and \$745 for one 12 or older. They also receive a medical care subsidy if the child is not otherwise covered by health insurance and a one-time payment for expenses associated with assuming care.

Grandparents as Parents

This program, not in statute, was started in DSS's Elderly Services Division with a two-year grant from the Brookdale Foundation. It

ended when funding expired on June 30, 2000.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Report

Yea 16 Nay 0